



EXPRESS MAIL NO.: EV335858203US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines *et al.* Confirmation No.: 5119  
Application No.: 09/717,057 Art Unit: 1647  
Filed: November 21, 2000 Examiner: DeBerry, Regina M.  
For: MODULATION OF EXCITABLE TISSUE Attorney Docket No.: 10165-010-999  
FUNCTION BY PERIPHERALLY  
ADMINISTERED ERYTHROPOIETIN

AMENDMENT UNDER 37 C.F.R. § 1.116

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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3/22/04

In response to the Office Action dated July 15, 2003, and in accordance with Rule 116 of the Rules of Practice, please enter the following amendments and consider the following remarks. Enclosed herewith is: 1) a Petition for Extension of Time for a period of three months up to January 15, 2004 with appropriate fees; 2) a Notice of Appeal; 3) Amendment fee transmittal Sheet; and 4) Exhibit A: a copy of U.S. Patent Application Publication No.: US 2003/0072737.

Applicants respectfully request that the amendments and remarks made herein be entered into the record of the instant application. Please charge all required fees to Pennie & Edmonds LLP Deposit Account No. 16-1150.

**Amendments** begin on page 2 of this paper.

**Remarks** begin on page 4 of this paper.

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